



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 285 OF 2026

Noman alias Luman Khan s/o Irfan Khan,
Age 21 years, Occ. Labour,
R/o. Galli No.5, Near Kuba Masjid,
Chhatrapati Sambhajanagr ... **Applicant**

VERSUS

The State of Maharashtra,
Through police officer,
Mukundwadi Police Station,
Aurangabad, Tq. & Dist.Aurangabad ... **Respondent.**

...
Advocate for Applicant : Mr. Vijay S. Wakale
A.P.P. for Respondent/State : Mr. G.O. Wattamwar

CORAM : SHAILESH P BRAHME, J.
RESERVED ON : 25.03.2026
PRONOUNCED ON : 07.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 343/2025, registered with Mukundwadi Police Station, Dist. Chh. Sambhajanagar (Urban) for the offences punishable under Section 20(b)(ii), 8(c), of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 (NDPS Act) and 335 of Bharatiya Nagrik Suraksha Sanhita, 2023.

3. Applicant is arrested on 31.08.2025 when police party conducted raid on receiving the secrete information of possession and dealings in the narcotic drugs. A raid was arranged and from the rental premises, house at Mukundwadi lane no. 3, four persons were found in the room having 1 Kilo 439 grams of charas, which is more than commercial quantity. The contraband article and other material were seized. The inventory was

prepared. The samples were sent to the forensic laboratory. The report was received confirming the narcotic drugs.

4. Learned counsel Mr. Wakale made submissions firstly on the factual aspects. It is submitted that applicant is accused no. 1, who is absolutely not concerned with any illegal activity or co-accused. He had been to the spot of the incident accidentally for collecting money, but, arrested in the raid. He was not aware of the illegal activity of co accused or existence of contraband article in the room. The CDR report and SDR report would establish that there was no coordinate between applicant and other co- accused. Nothing incriminating is found against the applicant except his presence at the relevant time. He is neither owner nor the tenant of the premises of which raid is conducted.

5. Learned counsel also made submissions on non compliance of statutory provisions of Section 42, 50 and 52A of NDPS Act resulting the arrest illegal.

6. My attention is adverted to notice under Section 50 of the NDPS Act, inventory, examination report of forensic laboratory etc. Learned counsel has relied upon the various judgments to buttress that compliance of Section 42, 50 and 52A is mandatory and its non compliance would entail the enlargement of bail.

7. At the outset, it is made clear that if the applicant succeeds on the factual aspect of the matter, the submissions on non compliance of statutory provisions need not be gone into.

8. First information report shows that on 31.08.2025 four persons were found in the room, including the applicant from where the contraband was seized. There is no material to show that applicant is either owner or tenant of the premises. He is not residing in the premises. The statement of Krushna Jagan Rathod, the owner of the house indicates that the room in

question is let out by him to accused no. 5 Mobin and his mother accused no. 6.

9. I have also gone through the statement of Mohammad Mujjamil. It shows that this applicant was his friend and at his instance applicant had been to the spot of the incident. I find that there was no reason for the applicant to be at the place of Mobin or Sultana. I do not find any involvement of the applicant in the offence. It cannot be said that he is having conscious possession of the contraband article. I find that a case is made out under Section 37(1)(b)(ii) of the NDPS Act to release him on bail.

10. I therefore, pass following order.

11. The Bail Application is allowed.

12. The applicant shall be released on bail in connection with Crime No. 343/2025, registered with Mukundwadi Police Station, Dist. Chh. Sambhajnagar (Urban) for the offences punishable under Section 20(b)(ii), 8(c), of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 (NDPS Act) and 335 of Bharatiya Nagrik Suraksha Sanhita, 2023, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one or more solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall cooperate for expeditious disposal of the trial and attend the dates punctually.

(e) The applicant shall furnish his mobile/cell number and address to the investigating officer.

13. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-